

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLÁN) that the House suspend the rules and agree to the resolution, H. Res. 337.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

PROTECTING INCENTIVES FOR THE ADOPTION OF CHILDREN WITH SPECIAL NEEDS ACT OF 2009

Mr. McDERMOTT. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 735) to ensure States receive adoption incentive payments for fiscal year 2008 in accordance with the Fostering Connections to Success and Increasing Adoptions Act of 2008.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 735

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting Incentives for the Adoption of Children with Special Needs Act of 2009”.

SEC. 2. ELIMINATION OF RESTRICTION ON PAYMENTS FOR FISCAL YEAR 2008.

Effective as if included in the enactment of the Omnibus Appropriations Act, 2009 (Public Law 111–8), title II of division F of such Act is amended under the heading “CHILDREN AND FAMILIES SERVICES PROGRAMS” under the heading “ADMINISTRATION FOR CHILDREN AND FAMILIES”, by striking “That without regard to the fiscal year limitations set forth in section 473A of the Social Security Act, from the amounts appropriated herein, the Secretary shall pay adoption incentives for fiscal year 2008 in the same manner as such incentives were awarded in fiscal year 2008 for the previous fiscal year: *Provided further,*”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. McDERMOTT) and the gentleman from Georgia (Mr. LINDER) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and ex-

clude extraneous material on this bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. McDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last fall, Congress passed bipartisan legislation that provided broad improvements to our Nation's child welfare system. The legislation, the Fostering Connections to Success and Increasing Adoptions Act, won unanimous approval in both the House and Senate last fall and was signed into law a short time later.

The landmark legislation represented the most significant reform in the child welfare system in over a decade.

Among the provisions of the Fostering Connections to Success and Increasing Adoptions Act was the reauthorization and improvement of the Adoption Incentives Program. To encourage and reward States for increasing the number of children who are able to leave the public foster care system for a safe, permanent and loving adopted home, Congress established the Adoption Incentives Program in 1997 as part of the Adoption and Safe Families Act. The Adoption Incentives Program provides States with financial incentives for increasing, above a certain specific baseline, the number of adoptive families for children in foster care, particularly for those with disabilities or with other special needs or for older youth.

The bill under consideration, the Protecting Incentives for the Adoption of Children with Special Needs Act of 2009, will ensure that the improvements made to the Adoption Incentives Program last fall are implemented as Congress intended.

The bipartisan bill eliminates a restriction that was inadvertently placed in the Adoption Incentives Program by the Omnibus Appropriations Act of 2009. The Omnibus Appropriations Act included a provision that required the Department of Health and Human Services, or HHS, to pay adoption incentive payments awarded for fiscal year 2008 in the same manner as they were awarded in the previous years. The provision was prior to the changes being made to the program of the Fostering Connections to Success and Increasing Adoptions Act.

The bill before us simply eliminates the provision included in the Omnibus Appropriations Act, thereby allowing HHS to base upcoming award payments on the new criteria established by last fall's bipartisan child welfare legislation. Removing the inadvertent provision will ensure that the newly reauthorized and improved Adoption Incentives Program is operated as intended by Congress.

I reserve the balance of my time.

Mr. LINDER. I thank the gentleman from Washington for bringing this bill to the floor.

Mr. Speaker, I rise in support of the Protecting Incentives for the Adoption of Children with Special Needs Act of 2009. This bipartisan legislation makes an important technical fix to ensure that Congress' intent is carried out and that States have improved financial incentives to help more children in foster care find permanent, loving adoptive homes.

This legislation continues a long tradition of bipartisan activity by the Ways and Means Committee, a tradition designed to promote the adoption of children from foster care. In 1997, the committee played a key role in crafting the landmark Adoption and Safe Families Act; in 2003 the Adoption Promotion Act; and last fall the Fostering Connections to Success and Increasing Adoptions Act of 2008. These laws streamline the adoption process. They encourage more efforts to quickly move children from foster care into permanent, loving homes, and they helped achieve the dramatic increases in the number of children successfully adopted from foster care in the past decade. In each case, the legislation was designed to benefit children who face some of the most daunting personal challenges in our country—those who have spent years, sometimes practically all of their lives, in the foster care system.

The legislation before us today would ensure the goals of last year's bipartisan Fostering Connections law are realized. That legislation encouraged increased adoptions from foster care by revising the Adoption Incentives Program and by extending its authorization through fiscal year 2013.

Among other improvements, the Fostering Connections law gave States more generous Federal funds if they helped more families adopt children now languishing for years in foster care, especially older and disabled children.

Unfortunately, the fiscal year 2009 omnibus appropriations bill, which passed through the House with limited consideration, included an error that effectively overrides some of the improvements in last year's Fostering Connections law. In short, the omnibus bill incorrectly stipulated that adoption incentive funds should be provided under the old, less generous rules Congress wanted to replace instead of the new, more generous rules included in the Fostering Connections law.

This legislation makes a simple repair of ensuring that congressional intent is followed so that States have the full intended incentives to promote the adoption of older and disabled children in foster care, among others. According to the Congressional Budget Office, this technical fix has no cost.

I would like to thank my colleagues, Representatives CAMP and RANGEL—ranking member and chairman of the House Committee on Ways and Means respectively—for introducing legislation to correct this error in the House. Their bill, H.R. 1840, is identical to the

legislation before us, S. 735, which Senators BAUCUS and GRASSLEY introduced in the Senate and worked to pass earlier this month.

I encourage all Members to support this important legislation so it can be signed into law as quickly as possible.

APRIL 15, 2009.

Hon. CHARLES RANGEL, *Chairman*,
Hon. DAVE CAMP, *Ranking Member*,
Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR REPRESENTATIVES RANGEL AND CAMP: On behalf of the American Public Human Services Association (APHSA) and its affiliate the National Association of Public Child Welfare Administrators (NAPCWA), we applaud and support your efforts to fix the incentive program for states that increase their numbers of adoptions from foster care and support H.R. 1840.

As you know, the adoption incentive program, originally part of the Adoption and Safe Families Act of 1997 (P.L. 105-89), was reauthorized in the previous Congress through the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351). States perform well when provided with incentives. Between 1998 and 2006, states received approximately \$211 million in incentive bonuses for increasing the number of children adopted from foster care. During the same time period, nearly half a million children were adopted from state custody. Today, the waiting child population tends to have higher special needs and may pose challenges for caseworkers to find families willing to adopt them.

The reauthorizing language reset the base number of adoptions a state needs to finalize to earn an incentive bonus to FY 2007. For each child adopted above that baseline, a state will continue to receive \$4,000. Recognizing that older children and children with special needs may be more difficult to place in adoptive homes, Congress improved the bonus awards. The incentive amount for adopted children nine or older increased from \$4,000 to \$8,000 and adopted special needs children increased from \$2,000 to \$4,000. For the first time, Congress also added an increased rate of adoptions bonus for states. To earn this bonus, states must achieve a "foster care adoption rate" that exceeds its previous "highest ever foster child adoption rate" back to 2002 adoption numbers. Moreover, states now have 24 months to spend incentive funds on any Title IV-E and IV-B programs.

These were significant improvements to the program that would help many children languishing in foster care find permanent loving homes with adoptive families. However, due to an oversight, the recent Omnibus 2009 Appropriations Act (P.L. 111-8) changed the adoption incentive program back to pre-Fostering Connections. Prior to the reset of the baseline, many states were unable to reach continued higher goals of finalized adoptions and the numbers of children waiting to be adopted were starting to decline in many states.

On behalf of those that work so diligently to find homes for waiting children, we thank you for fixing this oversight. You are true champions for our nation's most vulnerable children.

Sincerely,

JERRY FRIEDMAN,
Executive Director.

AMERICAN HUMANE,

Alexandria, VA, April 27, 2009.

Re HR 1840—Protecting Incentives for the Adoption of Children with Special Needs Act of 2009.

Hon. CHARLES RANGEL, *Chairman*,
Hon. DAVE CAMP, *Ranking Member*,
Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR REPRESENTATIVES RANGEL AND CAMP: American Humane supports HR 1840, the Pro-

tecting Incentives for the Adoption of Children with Special Needs Act of 2009, which would ensure that States receive adoption incentive payments for fiscal year 2008 in accordance with the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351).

American Humane is a national, non-partisan membership organization that was founded in 1877 to protect the welfare of children and animals. Our support for the Protecting Incentives for the Adoption of Children with Special Needs Act reflects an over 100-year history of progressively advocating at the federal, state and local levels for laws that protect children and animals from abuse and neglect.

The Fostering Connections to Success and Increasing Adoptions Act of 2008 reset the base number of adoptions a state needs to finalize to earn an incentive bonus to FY 2007. Recognizing that older children and children with special needs may be more difficult to place in adoptive homes, Congress improved the bonus awards. Congress also added an increased rate of adoptions bonus for states. To earn this bonus, states must achieve a "foster care adoption rate" that exceeds its previous "highest ever foster child adoption rate" back to 2002 adoption numbers.

However, due to an oversight, the recent Omnibus 2009 Appropriations Act (P.L. 111-8) changed the adoption incentive program back to pre-Fostering Connections. HR 1840 will restore the reset of the baseline to help give more children permanent homes.

Thank you for your leadership on such an important issue. We look forward to continuing to work with you. Please do not hesitate to contact Patty Chávez, Legislative Analyst, if we can be of further assistance.

Sincerely,

ALLIE PHILLIPS,
Director of Public Policy.

PATTY CHÁVEZ,
Legislative Analyst.

Mr. CAMP. Mr. Speaker, I am pleased to support S. 735, the "Protecting Incentives for the Adoption of Children with Special Needs Act of 2009."

Throughout my time in Congress, I have built on the lessons I learned working as an attorney helping families with their adoption proceedings. As a Member of the Committee on Ways and Means, I have been privileged to continue working on these issues, helping parents adopt children and form loving families. I am still impressed with the number of individuals, organizations, and legislators interested in the well-being and development of children and in encouraging more families to take in and adopt children in foster care.

Congress has made important strides improving the adoption process, by enacting my legislation, the Adoption and Safe Families Act, in 1997, followed by the Adoption Promotion Act in 2003. Additionally, just last fall I was pleased to support the Fostering Connections to Success and Increasing Adoptions Act of 2008, which was enacted with bipartisan and bicameral support. The legislation further encouraged adoptions from foster care by revising the Adoption Incentives program and extending its authorization through fiscal year 2013. Among other improvements, this law gave States more generous Federal incentive funds if they succeed in helping more families adopt children now languishing for years in foster care—especially older and disabled children.

Unfortunately, the fiscal year 2009 Omnibus Appropriations bill (P.L. 111-8), which passed through the House with limited consideration, included a flawed provision that effectively overrides the improvements to the Adoption Incentive program made in last year's Fostering Connections law.

In short, the Omnibus bill incorrectly stipulated that Adoption Incentive funds should be provided under the "old", less generous rules Congress wanted to replace, instead of the "new", more generous rules included in the Fostering Connections law. That means States would have less incentive to pursue the adoption of older and disabled children in foster care, among others, because they would receive less Federal funds if they are successful in achieving those goals.

We can't know for sure which States would lose if this fix is not made, because we don't yet know which States will successfully improve their performance in increasing adoptions in the wake of the Fostering Connections law. But we do know that America's most vulnerable young people stand to lose if, as a result of this error, they spend more time in foster care instead of with loving adoptive families. We can't and shouldn't let that happen.

That is why I and my colleague CHARLIE RANGEL, the Chairman of the House Committee on Ways and Means, introduced legislation to correct this error. Our bill (H.R. 1840) is identical to the legislation (S. 735) the Senate passed on April 2 and that is being considered by the House today.

I encourage all Members to support this important legislation so it can be signed into law as quickly as possible.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CUELLAR). The question is on the motion offered by the gentleman from Washington (Mr. McDERMOTT) that the House suspend the rules and pass the Senate bill, S. 735.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GUTIERREZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 627 and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

The SPEAKER pro tempore (Mr. AL GREEN of Texas). Pursuant to the order of the House of Tuesday, April 28, 2009, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 627.

□ 1709

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 627) to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes, with Mr. CUELLAR in the chair.